IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:09-CT-3084-FL

)
))
) ORDER
)
)))

Plaintiff filed this *pro se* action pursuant to 42 U.S.C. § 1983. The court dismissed this action without prejudice by order entered February 24, 2011. The matter now is before the court on plaintiff's motion requesting the court order defendants to provide plaintiff with typing and photocopying access to comply with the Federal Rules of Appellate Procedure (DE # 35).

Plaintiff has not identified any rule that requires access to typing or photocopying capabilities. Rather, the Clerk of Court, and not the plaintiff, is responsible for assembling the record in an action and forwarding it to the Fourth Circuit Court of Appeals, rendering copies of the original documents in this action unnecessary. See Fed. R. App. P. 11. Additionally, because the Fourth Circuit allows a party proceeding *pro se* to file an informal brief, which "may be submitted on a form provided by the clerk and shall provide the specific information required by the form," see 4th Cir. Local Rules 34(b), 46(f), plaintiff is not required to type any submission.

Based upon the foregoing, plaintiff's motion is DENIED. To the extent plaintiff seeks further assistance in complying with the Federal Rules of Appellate Procedure, plaintiff should address such requests to the Fourth Circuit Court of Appeals.

SO ORDERED, this the 21st day of July, 2011.

LOUISE W. FLANAGAN

Chief United States District Judge

Youir W. Dlonegen